

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JUDGE DAVID M. GLOVER

DIVISION II

CA05-1385

November 8, 2006

HILDA VAN GORP and DAVID VAN
GORP
APPELLANTS
V.

APPEAL FROM THE CRAWFORD
COUNTY CIRCUIT COURT
[J-2003-212]

DEPARTMENT OF HUMAN
SERVICES and MINOR CHILDREN

HONORABLE MICHAEL MEDLOCK,
JUDGE

APPELLEES

APPEAL DISMISSED

This is an appeal from a Crawford County Circuit Court order terminating reunification services. Appellant contends on appeal that the determination to terminate reunification services was not supported by sufficient evidence and that the statutes relating to the termination of services are unconstitutional. Not only has appellant failed to include a Rule 54(b) certificate in appealing this matter, appellee, Arkansas Department of Human Services, has supplemented the record in this case with a subsequent order terminating appellant's parental rights to her three minor children, DVG (D.O.B February 17, 2000), AVG (D.O.B. June 28, 2001), and JLR (D.O.B. November 12, 2004). Because appellant did not appeal from the termination of parental rights order,

we dismiss this appeal as moot, making it unnecessary to remand the case for failure to obtain a 54(b) certification.

This case was submitted to the panel on September 27, 2006. On October 3, 2006, ADHS filed a motion to supplement the record and to dismiss this appeal as moot because appellant had consented on August 5, 2006, to the termination of her maternal rights, and an order to that effect was entered on August 21, 2006. We granted the motion to supplement the record with the order terminating appellant's parental rights.

A case is moot when any decision rendered by this court will have no practical legal effect on an existing legal controversy. *Masters v. Arkansas Dep't of Human Servs.*, ____ Ark. App. ____, ____ S.W.3d ____ (June 14, 2006). Here, the trial court issued an order terminating appellant's parental rights to DVG, AVG and JLR ("Juveniles") based on appellant's consent to termination with respect to DVG and AVG, and the trial court's finding that it was

contrary to Juveniles' best interests, health and safety, and welfare to return them to the parental care and custody of their mother and further finds that ADHHS has proven by clear and convincing evidence that Juveniles were adjudicated by this Court dependent/neglected and have resided outside the home of the mother for a period of more than twelve months and, despite a meaningful effort by ADHHS to rehabilitate the mother and correct the conditions which caused removal, these conditions have not been remedied by the mother.

Appellant did not appeal from the order of termination; therefore, any decision that this court makes in the instant appeal regarding the timeliness of the probable-cause hearing would have no legal effect on an existing controversy. A reversal of the trial court's order terminating reunification services would not change the findings of fact in

this case regarding the termination of parental rights decision. Appellant's appeal, therefore, is moot.

Appeal dismissed.

HART and CRABTREE, JJ., agree.